

1882-027
Lee Co.

Chancery Causes: Adm. of David C. Cottrell vs. Joseph C. Adams

Hambler, Johnston

CA-Debt
T-Property

To the Honorable Henry J. Morgan, Judge of the County Court of Lee County, the bill of complaint of Charles L. Hamblin Sheriff of said County, to whom as such has been committed as its administrator the estate of David C. Cottrell deceased, respectfully shews:

That about the 26th day of December 1856 he sold to one Joseph C. Adams, then of said County, a certain tract of land lying & being in Lee County aforesaid, on the head waters of Mulberry Creek, containing about 175 acres, for the sum of \$700.- for which the said Adams executed to the said Cottrell his two notes under seal, for \$350 each, bearing date on the day & year aforesaid, one of which was made payable on the 1st day of January 1858, and the other was made payable on the 1st day of January 1859. Upon the first mentioned note, due 1st January 1858, the said Adams made two payments, which were endorsed thereon, the first payment being \$135.- made June 5th 1857, & the second \$150.- made January 15th 1858. Upon the note due 1st January 1859 no payments have been made. Your orator files of this bill, marked (A.), the last mentioned note as an exhibit the note due 1st January 1858, because has been lost or destroyed during the late war, so that be now produced. At the same time said notes were executed, the said Cottrell executed & delivered to said Adams a bond for the conveyance of the legal title. The tract of land so sold is the same tract which was conveyed to said Cottrell by deed, by Charles Baker & John Baker, and duly recorded in the Clerk's Office of Lee County, ~~which is filed herewith~~ marked (B.) No other payments on said notes have been made except the two above mentioned - and the residue of the note aforesaid first due, and the whole of the note due 1st January 1859 are now unpaid and due. The said Adams left the said County & the State of Virginia before the commencement of the late war, & went to parts unknown; he has not returned to this State since, or been heard of for years, and is not now a resident of Virginia. The said Adams left no property or effects of any kind known to your orator in this State, and there are none now known to be in the State.

Your orators only mean now of making the said debt due him is, to resort to and enforce his vendor's lien upon the said land.

The prayer of your orator therefore is, that the said Joseph C. Adams be made a party defendant to this bill, & be required to answer its several allegations truly upon oath; that publication be made against him; that upon a final hearing of this case your honor will grant a decree ^{in your orator's favor against said Adams} for the said debt with its interest, and for the sale of the said tract of land for the purpose of discharging the same; and that your Honor will grant to your orator such other and general relief as may consist with equity & be suited to his case.

May it please your Honor to grant the Com^{ts} writ of ^{spea}, directed &c.

Johnston
for Compl^t.

Received of C. L. Hamblin, Adminr of the Estate of J. B. Cottrell
 the sum of \$10.84 on my fee in this cause, also \$5.00 the printers fee
 May 20th 1873.
 James W. Orr Clerk

Recd of C. L. Hamblin Adminr of J. B. Cottrell Recd 8/14/11
 the balance of my costs & charges in this case
 also as came for settling said Adminr's accounts
 Feb 19th 1882.
 James W. Orr Clerk

C. L. Hamblin, Adminr of D. C.
 Cottrell

vs. } Bill. - Chy.

Joseph C. Adams

Exhibits filed.

1871. June. Bill filed, & the hat
 executed. Order of Publication
 vs. Deft. continued.

" July continued for. O. R.

" Aug & Sept. " " " "

" Oct. C. P. Compt. & Decree & scd.

" Nov Decree & scd confirmed.

" & Cause set for hearing.

" Nov. Term. Decree scd.

" December continued.

1872 Jan, Feb & March Contd.

" April, May, June & July Contd.

" Aug, Sept, Oct, Nov & Dec Contd.

1873 Jan, Feb, March & April Contd.

" May, June, July & Aug Contd.

" Sept & Oct. Order ending cause to
 stand Contd.

" Aug & Nov Contd.

1874 March & Aug Contd.

" Nov Contd.

1875 Nov & Aug Contd. & Nov Contd.

1876 Nov & Aug Contd.

1877 May Decree & scd.

1878 Aug & Nov Contd.

1879 Contd.

1879. Contd. this year.

1880. Contd. this year.

1881. Nov. Contd.

" Aug Contd.

1882 Nov. Contd.

" Aug Decree & scd.

" Oct 8. 3

6.5.84
 a. 18.00
 p. 5.00
 J. 1.00
 826.84
 Estimated Cost 5.00
 831.84
 add for C. P. 6.40
 C. P. 35.24
 C. P. 4.44 to Aug 1/77.
 Estimated 5.00
 Orr. C. P. 6.27 to July 1881.
 C. 1.78

1 10
 4 4
 5 4

5.84
 2.00
 7.84 est
 3.00
 4.84

C L Hambley Adm^r Plff

28

1/3 Lu Choy

Joseph C Adams.

Def^t.

This cause came on again this 7th day of September 1882 to be heard upon the ~~report~~ formerly read the report of C. T. Duncan Commissioner. This day filed in Court and duly filed therewith and was argued by counsel. On consideration whereof said report and deed are confirmed and the said Adam Hopkins to who said deed is made is permitted to withdraw said deed from the files of this cause and have it recorded in the deed book of Lu County as a relinquishment of title to his land but before doing so he must pay to C. T. Duncan Commissioner five dollars for making and acknowledging said deed for which sum said Commissioner may have execution if he desires it. And, there remaining nothing further to be done in this cause it is stricken from the docket.

C. L. Hambleton June 86

28 $\frac{1}{3}$ Decora funeral

Jos C Adams

Entered Page 282.

J. A. Hyatt
L. K.

Enter This decora

Jr. H. K.

Sept 7th 1882

C L Hamblett Saver of D. C. Leotrell Self
against In chancery.
Joseph C Adams. D. ft

This cause came on this 4th day of April 1877 to be again heard upon the papers heretofore read in the cause. The report of Peter C Johnston ^{filed on the first day of Feb'y 1872.} special commissioner and I appearing to the Court that said report has been filed the time required by law and there being no exceptions thereto said report is confirmed and ~~it is adjudged~~ ^{it is} ordered and decreed that C. J. Duncan be and he is hereby appointed a commissioner ^{for the purpose} and directed to collect the unpaid balance of the purchase price for which said land ~~was~~ sold by Commissioner Johnston but before proceeding to collect the same he will give bond ^{with surety} before the Clerk of this Court, ^{in penalty of \$400} conditioned to pay said money to the Plaintiff when collected. And he will report his action to a future term of this Court till which time this cause is continued.

L. L. Hamblett Sum 46

15-3. D. 1897

Joseph L. Adams

Entered under Book
page 619.

John W. Orr. Clerk.

Enter this date

J. A. K.

April 30th 1897

C. L. Hamblin adm. &c. vs. Joseph C. Adams - Chy.

This cause came on this day to be heard upon the bill of the complaint, and the exhibits filed, and was argued by counsel; and it appearing, that the defendant is not a resident of this Commonwealth, and that the order of publication entered in this cause has been duly posted & published, and that more than one month having elapsed since the completion of said publication, and the defendant not appearing, it is ordered that the said bill be taken for confessed; whereupon it is adjudged, ordered, & decreed, that the vendor's lien claimed & set up in the Complaint bill against the tract of land in the said bill mentioned ought to be enforced, and for that purpose ^{that} Peter C. Johnston, who is hereby appointed a Commissioner for that purpose, sell the said tract of land, at public sale, before the front door of the Court House of Lea County, to the highest bidder, on the first day of a County Court, upon a credit of one, two, & three years, except that the purchaser is required to pay down on the day of sale the costs of the suit & the expense of sale, and for the residue of the purchase money the purchaser ~~must~~ must give his notes to the said Commissioner, with good security payable in three equal annual payments - The said sale to be advertised for not less than 30 days at the front door of the Court House of this County and at such other places as in the opinion of the said ^{Commissioner} may be sufficient to give fair notice of such sale - And that he report his proceedings to this Court; and the cause is continued.

C. L. Hamblin, adms. of. Cotuit

~~to~~ } done

J. C. Adams

Nov. term 1871.

Entered O.B. p 415

Entered
Dec 14
C. L. Hamblin

Virginia, Lee County, To wit:

This day Peter C. Johnston personally appeared before the undersigned, Clerk of the County Court of Lee County, and made oath, that David C. Cottrell, before his death, placed in the hands of the affiant as his attorney ^{promissory} two notes in writing executed to him by Joseph C. Adams, bearing date on the 26th day of December 1856, and payable one of them on or before the 1st day of January 1858, and the other on or before the 1st day of January 1859, for the sum of \$350.00 each, payable in good current bank notes; that the note aforesaid which became payable on or before the 1st day of January 1858 has become lost or destroyed, so that the same cannot now be produced, that he has made diligent search therefor and has not been able to find it; Given under my hand this 23rd day of November 1871.

James W. Orr, Clk.

Cottrell's adm.

is } affidavit

J. C. Adams

To the Honorable John. A. Kelly Judge of the
Circuit Court of Lee County, Virginia

I hereby authorize and direct the
commissioner in the Chancery cause of
C. L. Hamblen Admr vs Joseph C Adams to
convey the land sold by Comr Johnston in
said suit and purchased by me, to Adam Hope
Kins, said Hopekins having purchased the
same from me Given under my hand this
30th day of August 1877.

S E Cottrell

Virginia Lee County To wit.

This day Samuel Cottrell the purchaser
of the above mentioned tract of land person-
ally appeared before me and stated on oath
that the purchase by him and the sale by him
to Adam Hopekins was made without any
collusion between them, and that said sale
was fairly made Given under my
hand this 30th day of Aug 1877

James W Orr, Clerk of
Lee Circuit Court Va.

36
36
40
112

C. L. Hamilton Adm.
37.00
vs. C. L. Hamilton
18.00
24.00
37.00
~~18.00~~
25.00
40.00

1074
349
194
610
180
613
434
300
100
500
4315
1087
2087
2910
9315
3574
5741

Real costs for 1881.

Lo. 4.87
Duncan Feed 3.00
Hamilton Adm.
Com. 11.75
19.62
Settlement for
Adm. 4.00
23.62
Relk 5.84
29.46
On Clk 1.403080

Costs 30.86
Hyatt Lo 1.27
32.13 to her 1882.

3/51

C. L. Hamblin admt. of D. C. Cottrell dec'd vs. Jo. C. Adams, Chy.

The undersigned, appointed, by a decree of The County Court of Lee County, rendered at the last November term thereof, in the suit in Chancery pending in said Court in which Charles L. Hamblin admt. of David C. Cottrell dec'd is plaintiff and Joseph C. Adams is defendant, a Commissioner to sell the tract of Land in the plaintiffs bill mentioned, reports: That after having advertised the sale of said Land, and its terms, for more than thirty days previous to the day of sale, at the Court House door of said County, and at such other places as he deemed sufficient to give general notice thereof, he sold the said tract of Land on the 15th day of January 1872, ~~in~~ that being the first day of the January County Court, at the front door of the Court House, at public outcry, to Samuel E. Cottrell, he being the highest bidder, for \$235.—, And the said Cottrell, after paying down the Cost of said suit & expense of sale, executed his three notes for the residue of the purchase money, with Samuel M. Beatty his security, payable to the undersigned as Commr. ^{and waiving the benefit of the Homestead exemption} in one, two, and three years from the day of sale, with interest from that day. The said notes are herewith filed.

January 31st 1872.

Respectfully submitted.

P. C. Johnston, Commr.

C. L. Hambley, adm^r &c

vs. { Comm^r's Report & sale

Is. C. Adams

Filed Feb 1st 1877

Jas W Orr Clerk.

C. L. Hamblen Sum to. Deft

vs

3 In shay.

Joseph C. Adams. Deft

To the Hon John Shelby Judge of The Circuit
Court of The County,

The undersigned who was appointed by a
decree entered in this cause on the 3rd day of April
1877, appointed a commissioner to collect the
purchase money of the Tract of land in said
cause has leave to report that the purchase
price of said land was all coming to the pur-
chaser of said land as Successor of David
Cottrell death in June and that he and C. L.
Hamblen Successor of said David Cottrell
in this have settled and arranged the
whole matter between them and no money
has come into the hands of your commis-
sioner and the said Samuel Cottrell hav-
ing filed an affidavit as the law requires
that he has sold said land to Adam Hopkins
and has directed your commissioner to
make said Hopkins a deed This I have
done and file the same herewith for
confirmation

Respectfully submitted

Sept 7th 1882.

C. T. Duncan Com

C. L. Hambleton vs
vs $\frac{1}{3}$ Report & deed
Jos C Adams

Filed Aug 7th 1882
in open Court by
permission thereof
J. A. Hyatt
Clerk

This Indenture made this 3rd day of December in the year
of Our Lord One thousand Eight hundred and fifty by and between
Charles Baker & John J. Baker of the County of Lee and State of
Virginia of the One part and David C. Bottwell of the County
of Claiborne and State of Tennessee of the Other part (Witnesseth)
that the said Charles & John J. Bakers for and in Consideration of
the sum of Six hundred ~~dollars~~ then in hand paid the receipt
whereof is hereby acknowledged do deliver grant bargain and
sell unto the said David C. Bottwell his heirs, &c. a certain tract
or parcel of Land lying and being in the County and State aforesaid
on the South side of Wallins Ridge supposed to contain One
hundred and seventy five Acres be the same more or less it being
a part of a 5,000 Acre Tract of Land Once possessed by Joseph
Brooke (deceased) Bounded as followeth Beginning at two pine
trees On the State line thence thence N. 5th E. 4 1/2 poles to three poplars
& a small white Oak thence N. 34th W. 50 poles to a three forked
Chestnut thence N. 26th West 100 poles to three Chestnut Oaks
On the top of said ridge thence Westwardly On the top of said ridge
to the Virginia line thence East along the same to the beginning
together with all and singular appurtenances to have and to hold
the said tract or parcel of Land with all and singular appurtenances
unto the said David C. Bottwell and his heirs to the sole use and behoof
of the said David C. Bottwell and his heirs forever and they the
said Charles & John J. Bakers for themselves and their heirs do
hereby Covenant with him the said David C. Bottwell and his heirs
that they the said Charles & John J. Bakers and their heirs the said
tract or parcel of Land with all its appurtenances unto the said
said David C. Bottwell and his heirs and assigns for ever against
the Claims of all persons whomsoever with warrant and forever
defend in testimony whereof they the said Charles & John J. Bakers
have hereunto Subscribed their names & affixed their Seals the day and
year first above written

Signed sealed and delivered in
presence of

Charles Baker
John J. Baker

Test

J. S. Willis

Chadwell Brittain

Wm. F. Ball

Virginia

At a Court of quarter sessions begun & held for Lee County,
at the Court House thereof, on Monday, the 20th day of March 1871.

A Deed executed by Charles Baker and John J. Baker, of Lee County,
State of Virginia, to David C. Cotterell, of Claiborne County, State
of Tennessee, bearing date December 3rd 1850, was this day pro-
duced to the Court for probate, and thereupon Chadwell Brittain
testified that he and J. S. Willis and William F. Ball - who are
dead - were attesting witnesses to said deed and that the
signatures of said Willis and Ball are genuine. It is,
therefore, ordered that said deed be recorded by the
Clerk of this Court. A copy from the record.

Teste John B. West, D. Clerk

1871

D. C. Cotterell

Thos. West

Chas. Baker & Co.

1871 Mar. Term. Proved
& ordered to be recorded

(13)

Charles & John J. Bakers

To Recd

A. C. Cottrell

175 Acres

virginia

In the Clerk's office of the County Court of Lee County,

on Thursday, the 1st day of June 1871.

Chas. L. Starns, admr of }
David C. Cottrell }

Plffs

vs.

Joseph C. Adams

Def

In Chancery.

The object of this suit is, to obtain a Decree for the debt and its interest in the Bill mentioned, for the enforcement of the vendor's lien upon the tract of land in the Bill mentioned, and for the sale of said land to discharge said debt and interest, and it appearing from an affidavit filed in the cause that the defendant is a non-resident of this Commonwealth, he is, therefore ordered to appear here within one month after due publication of this order, and do what is necessary to protect his interest in this suit.

Test. John B. West, D. Ck.

A copy Test. John B. West, D. Ck.

C. L. Stanble, Admt. of
David C. Cottrell

vs. { order of Publication
Jos. C. Adams.

The Commonwealth of Virginia,

WE COMMAND YOU TO SUMMON

TO THE SHERIFF OF LEE COUNTY—GREETING:

Joseph C. Adams

to appear before the Judge of our County Court, for Lee County, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in *June* next to answer a bill in Chancery, exhibited in our said Court, against *him* by *Charles L. Hamblen, admr of the estate of David C. Cottrell dec'd*

And have then there this writ. Witness, *James* ~~JOHN~~ W. ORR, Clerk of our said Court, at the Court-House, this, *25* day of *May* 1871, in the *95th* year of the Commonwealth.

John B. West, D. Clerk.

Chas. L. Hamblen
admr. &c.

vs. { Spia in chy.

Jos. C. Adams.

June Rules 1871.

That Executed The
Defendants not being
found in my Court
and as I am informed
not a resident of
the State.

C. L. Hamblen
S. J. C.

Tax paid.